



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,835	12/20/2000	Mary Ellen Schenck-Williams	858	9113

7590 12/19/2001

Law Offices of John D.,
Gugliotta, P.E., Esq.
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

MARKOVICH, KRISTINE M

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/742,835

Applicant(s)
Schenck-Williams

Examiner
Kristine Markovich

Art Unit
3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Dec 20, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-6 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Dec 20, 2000 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

Art Unit: 3671

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the spring member, 29 as described in the specification. Although figure 3 is labeled as including the spring member, it is not clearly shown. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8 does not provide proper antecedent basis for the limitation "the movable linkage arm".

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3671

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakosh (US Patent 5,154,465) in view of Wendner (DE Patent 198 22 343 A1).

Pakosh discloses a weed extraction apparatus having a handle (14, figure 2) of a linearly elongated cylindrical configuration with anterior and posterior ends. A pair of movable claw appendages (40, figure 2) are operable due to a linearly elongated lever ⁽¹⁸⁾ mounted to the anterior of the handle by a bolt (68, figure 2). ^{actually hole w/ hook.} An operating rod of a linear configuration (62, figure 2) extends parallel along a length of the handle and connects to a movable linkage arm ^{being part of} (44, figure 2). A spring (82, figure 2) disposed on the bolt is adapted to connectively embrace the lever such that it is biased to a position away from the anterior end of the handle. The handle is encapsulated within a sleeve comprised of rubber with a plurality of finger-gripping channels formed on the surface thereof (18, figure 2).

Pakosh discloses the claimed device except for a pulley and cable means to move the claw appendages. Wendner discloses that it is known in the art to provide a pulley and cable means (1 & 2, figure 1; translation) in order to move the claw appendages. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weed puller of Pakosh with the pulley and cable means of Wendner, in order to provide an alternative means with which to facilitate movement of the claw appendages.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pakosh in view of Wendner as applied to claim 1 above, and further in view of Kaneko (JP Patent 1-312901).

The combination of paragraph 5 above discloses the claimed device except for T-shaped claw appendages having a plurality of sharpened, uniformly spaced, arcuate-shaped tines. Kaneko discloses that it is known in the art to provide T-shaped claw appendages having a

Art Unit: 3671

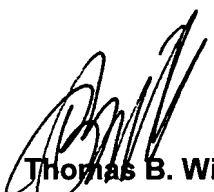
plurality of sharpened, uniformly spaced, arcuate-shaped tines (2, figure 3) in order to grasp the weeds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the combination of paragraph 5 above with the claws of Kaneko, in order to firmly grasp the weeds within the claws.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristine M. Markovich whose telephone number is (703) 305-1676. The examiner can normally be reached on Mon-Fri from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3780. The fax phone number for this Group is (703)305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600


KMM
December 16, 2001